
HOUSE BILL No. 1657

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-30.

Synopsis: State transportation oversight commission. Establishes the state transportation oversight commission to review and make recommendations to the Indiana department of transportation (INDOT) and the Indiana finance authority with respect to various issues affecting the state transportation system. Requires INDOT to make annual reports to the commission.

Effective: Upon passage.

Austin

January 16, 2009, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1657

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-30 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **Chapter 30. State Transportation Oversight Commission**
5 **Sec. 1. As used in this chapter, "authority" refers to the Indiana**
6 **finance authority.**
7 **Sec. 2. As used in this chapter, "commission" refers to the state**
8 **transportation oversight commission established by section 3 of**
9 **this chapter.**
10 **Sec. 3. The state transportation oversight commission is**
11 **established to provide legislative oversight of the implementation**
12 **of state and federal laws concerning the state transportation**
13 **system, including:**
14 **(1) highways;**
15 **(2) bridges;**
16 **(3) railways;**
17 **(4) airports;**



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1 (5) public transportation systems; and
 2 (6) all other modes of transportation and the related
 3 infrastructure, programs, and services;
 4 provided or administered by the department, the authority, any
 5 other state agency or body corporate and politic, or any other
 6 entity acting on behalf of an entity described in this section under
 7 an agreement entered into under IC 8-15.5, IC 8-15.7, or any other
 8 state or federal law.

9 Sec. 4. (a) The commission consists of twenty-one (21) members
 10 appointed as follows:

11 (1) Six (6) members of the senate, not more than three (3) of
 12 whom may be affiliated with the same political party, to be
 13 appointed by the president pro tempore of the senate.

14 (2) Six (6) members of the house of representatives, not more
 15 than three (3) of whom may be affiliated with the same
 16 political party, to be appointed by the speaker of the house of
 17 representatives.

18 (3) Four (4) individuals who are not members of the general
 19 assembly, to be appointed by the president pro tempore of the
 20 senate.

21 (4) Five (5) individuals who are not members of the general
 22 assembly, to be appointed by the speaker of the house of
 23 representatives.

24 The individuals appointed under subdivisions (3) and (4) must be
 25 experts in the areas of highway design and construction, public
 26 transportation systems (including bus and commuter rail),
 27 railways, airports, bridge construction, federal and state
 28 transportation funding, local government transportation planning
 29 and funding, commercial trucking and logistics, or ports.

30 (b) The chairperson of the legislative council shall appoint a
 31 legislative member of the commission to serve as chairperson.
 32 Whenever there is a new chairperson of the legislative council, the
 33 new chairperson may remove the chairperson of the commission
 34 and appoint another chairperson.

35 (c) The terms of office of the commission members are as
 36 follows:

37 (1) For members appointed by the president pro tempore of
 38 the senate under subsection (a)(1):

39 (A) two (2) of the members, who may not be affiliated with
 40 the same political party, shall serve for an initial term of
 41 four (4) years;

42 (B) two (2) of the members, who may not be affiliated with

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the same political party, shall serve for an initial term of three (3) years; and

(C) two (2) of the members, who may not be affiliated with the same political party, shall serve for an initial term of two (2) years.

Upon the expiration of the terms of the members appointed under this subdivision, their successors shall be appointed for terms of four (4) years.

(2) For members appointed by the speaker of the house of representatives under subsection (a)(2):

(A) two (2) of the members, who may not be affiliated with the same political party, shall serve for an initial term of four (4) years;

(B) two (2) of the members, who may not be affiliated with the same political party, shall serve for an initial term of three (3) years; and

(C) two (2) of the members, who may not be affiliated with the same political party, shall serve for an initial term of two (2) years.

Upon the expiration of the terms of the members appointed under this subdivision, their successors shall be appointed for terms of four (4) years.

(3) Members appointed under subsection (a)(3) or (a)(4) shall serve for terms of two (2) years.

(d) If a legislative member of the commission ceases being a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(e) A member of the commission may be removed at any time by the appointing authority who appointed the member.

(f) If a vacancy exists on the commission, the appointing authority who appointed the member whose position has become vacant shall appoint an individual to fill the vacancy for the remainder of the unexpired term.

Sec. 5. (a) The commission shall review and provide recommendations to the department, the authority, and the general assembly concerning the following matters:

(1) The department's implementation of its responsibilities under state and federal laws concerning the state transportation system, including, but not limited to, the matters set forth in IC 8-23-2-4.1 and IC 8-23-2-5.

(2) Methods and levels of funding for the state's transportation needs.

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(3) The distribution of state and federal funds for state transportation projects and services, including appropriate priorities for the allocation of resources among all modes of transportation.

(4) The use and management of state and federal transportation funds after distribution.

(5) Implementation of any actions considered necessary by the commission with respect to the state transportation system.

(6) The terms and conditions of public-private agreements that affect the state transportation system and have been entered into or are proposed to be entered into, under IC 8-15.5, IC 8-15.7, or any other state or federal law.

(7) The enactment of legislation that is needed to develop and maintain an efficient statewide transportation system.

(b) The commission may review and make recommendations concerning other topics as assigned by the legislative council or as directed by its chairperson.

Sec. 6. (a) Before September 1 of each year, the department shall submit to the commission in an electronic format under IC 5-14-6 and post on the department's Internet web site a report that contains the following:

(1) A comprehensive financial report of all state and federal funds provided to the department during the preceding state fiscal year, including:

(A) amounts of state revenues by source;

(B) amounts of federal revenues by source;

(C) any other revenues available to the department by source; and

(D) funds appropriated or allocated and the amount the department has budgeted and expended for contracts, right-of-way purchases, preliminary and construction engineering, maintenance operations, and administration.

The department shall assign all expenditures made by, or on behalf of, the department for personal services (including fringe benefits), equipment, real estate, capital improvements, and other expenses to the categories listed in this subdivision in conformity with generally accepted government accounting principles.

(2) A detailed explanation of the methods or criteria employed to select construction, reconstruction, improvement, maintenance, and repair projects, including a listing of any new or reprioritized projects not mentioned in a previous

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report, and an explanation as to how the new or reprioritized projects meet the selection methods or criteria.

(3) The proposed allocation and expenditure of moneys and the proposed work plan for the current state fiscal year and at least the next three (3) state fiscal years. The proposed allocation and expenditure of moneys must include the amounts of proposed allocation and expenditure of moneys in each of the categories listed in subdivision (1).

(4) The amounts that were planned, estimated, and expended for projects relating to all modes of transportation in the preceding state fiscal year and amounts that have been planned, estimated, or expended by project for construction work in progress.

(5) The current status as to completion, by project, of:

(A) projects included in the long range comprehensive transportation plan and work program established under IC 8-23-2-5; and

(B) other projects relating to other modes of transportation.

The information included in the report under this subdivision must include, by project, the original cost estimate, any updated estimate, and, if applicable, the final completed cost. The report must also include the total number of employees or independent contractors for each project and the percentage of those employees or independent contractors who are residents of Indiana.

(6) The reasons for cost increases or decreases exceeding five million dollars (\$5,000,000) or ten percent (10%) relative to cost estimates and final completed costs for projects described in subdivision (5) that were completed in the preceding state fiscal year. The department shall determine cost increases or decreases for purposes of this subdivision by comparing the cost estimate at the time the project was placed on the long range comprehensive transportation plan and work program established under IC 8-23-2-5, or was otherwise initiated, and the final completed cost by project, including the amounts resulting from inflation, department-wide design changes, changes in project scope, federal mandates, or other factors.

(7) Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department.

(8) An accounting of the total amount of state and federal

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1 funds expended for transportation projects and services in
2 each district of the department.

3 (9) Any further information specifically requested by the
4 commission.

5 Sec. 7. (a) The legislative services agency shall provide staff
6 support to the commission.

7 (b) The commission may employ consultants to assist with its
8 duties under this chapter.

9 (c) Upon the request of the commission or the department, other
10 state agencies and the authority shall assist the department in
11 carrying out the department's duties under this chapter.

12 Sec. 8. Except as otherwise provided by this chapter, the
13 commission shall operate under the rules of the legislative council.

14 Sec. 9. The commission shall annually report the results of its
15 study in an electronic format under IC 5-14-6 to the general
16 assembly before November 1.

17 Sec. 10. Each member of the commission is entitled to receive
18 the same per diem, mileage, and travel allowances paid to
19 individuals who serve as legislative and lay members, respectively,
20 of interim study committees established by the legislative council.

21 SECTION 2. An emergency is declared for this act.

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